

**ARTICLE XII**  
**Amendments and Miscellaneous Provisions**

**1. Procedure.** Except as otherwise provided in this Declaration, this Declaration may be amended and such amendment shall be made in the following manner:

**(a) Notice.** Notice of the subject matter of a proposed amendment shall be included in the notice of any meeting at which a proposed amendment is to be considered. Holders of a first mortgage of record shall receive notice of such proposed amendment as provided in the Bylaws of the Association.

**(b) Resolution.** A resolution adopting a proposed amendment may be proposed by either the Board of Directors or by any member of the Association. Except as provided elsewhere, the resolution must be adopted by a vote of not less than 66 2/3% of all owners present and entitled to-vote, in person or by proxy, provided, however, no amendment effecting a substantial change in this Declaration or the Bylaws of the Association shall affect the rights of the holder of any such mortgage recorded prior to the recording of such amendment who does not join in the execution thereof and who does not approve said amendment in writing.

**(c) Bylaws.** In an amendment to this Declaration is made by amending the Bylaws of the Association, then the amendment shall be made in the manner specified in such Bylaws.

**(d) Execution and Recording.** An amendment adopted pursuant to (b) or (c) above shall be executed by an officer specifically delegated to do so with the formalities required by Chapter 499B of the Code of Iowa. Upon the recording of such instrument in the office of the Linn County Recorder, the same shall be effective against any persons owning an interest in a unit or the regime.

**2. Amendment of Ownership Interest.** No amendment shall change the fractional interest of ownership in the common elements appurtenant to a unit, nor increase the owner's share of the common expenses unless the record owner of the unit concerned and all record owners of mortgages thereon shall affirmatively join in the adoption' of such amendment.

IN WITNESS WHEREOF, Declarant has executed this Declaration the day and year first above written.

HODGE CONSTRUCTION COMPANY

BY: Michael E. Hodge  
Michael E. Hodge, President  
and Secretary

STATE OF IOWA )  
                                  ) SS:  
JOHNSON COUNTY )

On this 24<sup>th</sup> day of March, 2000, before me, the undersigned, a Notary Public in and for said County, in said State, personally appeared Michael E. Hodge, to me personally known, who being by me duly sworn, did say that he is the President and Secretary of said corporation; that no seal has been procured by the said corporation; that said instrument

was signed on behalf of said corporation by authority of its Board of Directors; and that the said Michael E. Hodge as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it and by him voluntarily executed.

Judith K. Hansen  
Notary Public in and for the  
State of Iowa.

Kf14/r62b3898

